

# 35515

VOLUNTARY AGREEMENT CONCERNING ISSUANCE OF LICENSE  
FOR SALE OF ALCOHOLIC BEVERAGES

THIS AGREEMENT, made and entered into this 23rd day of July, 2001, by and between Washington Bread and Kabob trading as Washington Grill (hereinafter the "Applicant"), and Kalorama Citizens Association (hereinafter the "Protestant"), witnesseth:

Whereas Applicant has filed an application (#35515) with the District of Columbia Alcoholic Beverage Control Board (hereinafter the "Board") for the issuance of a class "DR" License for the premises known as Washington Grill, located at 1801 Columbia Road, N.W., Washington DC.,

Whereas Protestant has filed before the Board a protest opposing the granting of this license,

Whereas in recognition of the Board's policy of encouraging parties to a protested proceeding to settle their differences by reaching voluntary agreements, the Parties hereto desire to enter into a voluntary agreement whereby (1) Applicant will agree to adopt certain measures to address the Protestant's concerns and to include this agreement as a formal condition of its application, and (2) Protestant will agree to the issuance of the license and withdrawal of the Protest, *provided* that such agreement is incorporated into the Board's order ~~renewing~~ the license, which order is thereby conditioned upon compliance with such agreement, *ISSUING OK DJ/KCA*

Whereas Applicant has recently taken or intends to take certain measures designed to ameliorate Protestant's concerns,

Now therefore, in consideration of the mutual covenants and undertakings memorialized herein, the Parties hereby agree as follows:

1. Hours. The hours of operation shall be:

	Sun. Mon. Tues. Wed. Thur.	Fri. Sat.
Inside:	11:00 am-2:00 am	11:00 am-3:00am

Roof: n/a

Patio(s): See Item 6

(If hours are different on different floors please indicate): n/a

2. Seating. Seating capacity will not exceed:

Interior \_\_\_\_\_ Patio(s) \_\_\_\_\_ Roof: n/a

(Please indicate by floor, if more than one floor will have seating) n/a

3. Noise/Music/Dancing. Applicant acknowledges familiarity with and will comply with noise-control provisions of District of Columbia law and regulations, including preventing emissions of sound, capable of being heard outside the premises, by any musical instrument or amplification device or other device or source of sound or noise, in accordance with DCMR 905. The doors and windows of the premises will be kept closed at all times during business hours when music is being played or a sound amplification device is being employed in the premises, except when persons are in the act of using the door for ingress to or egress from the premises. There shall be no music played on the roof.

4. Trash/garbage/rodents. Applicant shall maintain regular trash/garbage removal service, regularly remove trash from the trash and dumpster area, and see that the trash and dumpster area remain clean. Applicant shall deposit trash and garbage only in rodent-proof dumpsters, and shall see that dumpster covers fit properly and remain fully closed except when trash or garbage is being added or removed. Applicant will make every reasonable effort to eliminate food sources for rodents and eliminate the rat population.

5. Exterior including public space. (a) Applicant shall assist in the maintenance of the alleyway and the space in front of the establishment to at least 18 inches outward from the curb as needed to keep them free of trash and to remove snow and ice from the sidewalk and comply with all applicable D.C. laws and regulations in these respects. Applicant shall make every reasonable effort to prevent or disperse loitering or any other source of noise or disturbance in the areas in front or to the rear of the premises during business hours and at closing, and to cause patrons to leave those areas at closing.

(b) Applicant will provide for the proper removal of grease and fatty oils from the establishment and will not deposit grease or fatty oils in the dumpster.

6. Items specific to establishment

a. Applicant has right to use outdoor space that is private property only. This Protestant, (KCA) agrees that the additional language describing the review process for outdoor hours will be governed by language in Voluntary Agreement with ANC-1C dated 6/12/01. Any resulting changes in outdoor hours would be incorporated into this Protestant's (KCA) Voluntary Agreement by amendment, with the approval of the ABC Board.

b. Applicant agrees that after the hour of 10:00 pm on any night of operation, doors and/or windows of establishment will not be propped open.

~~c. Applicant agrees that no live music performances or disc jockey (DJ, DEEJAY) type of entertainment will take place either indoor or outdoor at his establishment. This does not preclude the use of recordings as an accompaniment to dining or as a background atmospheric feature.~~

d. No loudspeakers of any kind will be permanently mounted outside or temporarily placed outside or positioned near doorways or windows in such a way as to project sound into the public space.

7. Bar/Pub Crawls. Applicant agrees not to promote or participate in bar or pub crawls.

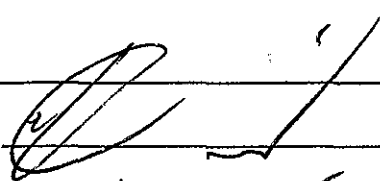
8. Consideration. Applicant will encourage employees and patrons to be considerate of neighboring residents at all times. Applicant will encourage employees leaving the establishment to keep conversations and noise down from 11:00 pm to 7:00 am.

9. Modification. This agreement can be modified only by mutual agreement of all the parties with the approval of the ABC Board.

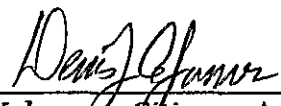
10. Regulations. In addition to the foregoing, Applicant will operate in compliance with all applicable laws and regulations.

11. Withdrawal of protests. Protestant agrees to the issuance of the license and withdrawal of their Protest, provided that the present Voluntary Agreement is incorporated into the Board's order issuing the license, which order is thereby conditioned upon compliance with such Voluntary Agreement.

APPLICANT

By:   
B. M. AGENT

PROTESTANT

 7-23-2001  
Kalorama Citizens Association  
By: ABC LICENSING CHAIRMAN FOR  
KALORAMA-CITIZENS ASSOCIATION

BR: ABC  
3/11/98  
App No.  
3535

## AGREEMENT

THIS AGREEMENT, made and entered into this 11<sup>th</sup> day of March, 1998, by and between L&T FORTUNE, trading as RESTAURANT #1 (hereinafter the "Applicant"), and KALORAMA CITIZENS ASSOCIATION and its President PETER SCHOTT (hereinafter the "Protestants"),

WHEREAS, Applicant having filed an application with the District of Columbia Alcoholic Beverage Control Board (hereinafter "ABC Board") for issuance of a class CR License for the premises known as 1801 Columbia Road, N.W., Washington, D.C. 20009, which application is pending before the ABC Board in case no. 33518-98009P;

WHEREAS, Protestants having timely filed before the ABC Board a protest opposing the granting of the referenced application; and

WHEREAS, in recognition of the ABC Board's policy of encouraging parties to a protested proceeding to settle their differences by negotiating agreements, the parties hereto being desirous of entering into an agreement whereby, subject to the approval of the ABC Board, Applicant will agree to adopt certain measures to address the Protestants' concerns and Protestants will agree to the issuance of the ABC License, and withdrawal of the Protest;

NOW, THEREFORE, in consideration of the mutual covenants and undertakings memorialized herein, the parties hereby agree as follows:

1. Noise suppression: There shall be no live music performed in the establishment. Sound emanating from any part of the establishment shall not be audible in residential structures in the vicinity or on the sidewalks across the street from the Restaurant on 18th Street or Columbia Road. The Restaurant's operations shall at all times be in compliance with the D.C. Noise Control Act. Applicant will encourage employees and patrons to be considerate of neighboring residents at all times. Applicant will encourage employees and patrons, by posted sign or other printed notation, to be considerate of residents in the neighborhood after departing the building, by keeping conversations and other noises at a level that will not disturb the peace and tranquility of residents in the enjoyment of their homes or generate a noise complaint.

2. Applicant shall open its doors to receive patrons Monday through ~~Thursday~~ <sup>Thursday</sup> from no earlier than 11:00 a.m. until no later than 11:00 p.m., Friday and Saturday from no earlier than 11:00 a.m. until no later than ~~12:00 midnight~~ <sup>12:00 noon</sup>, and Sunday from no earlier than 12:00 noon until no later than 11:00 p.m., and shall have its kitchen open during these hours. <sup>Alcohol beverages are not to be carried out of establishment & shall only be available during hours expressed by law.</sup>

3. Applicant will maintain regular trash/garbage removal service, regularly remove trash from the trash and dumpster area and see that those areas remain clean, and keep dumpster lid tightly closed and incapable of being entered by rodents, in order to limit odors and help control the pest and rodent population.

4. Applicant will provide for the proper removal of grease and oils and will not deposit these substances for removal in dumpster.

5. Applicant will maintain free of trash and litter the adjacent rear alley area, and public space and street to a minimum distance of 18" from curb, adjacent to the front of the building, in compliance with all applicable D.C. regulations in this respect, as often as needed (minimum of twice daily).

6. Applicant will comply in all respects with the requirements of its license or other requirements of law, including maintaining the appropriate ratio between food service and liquor sales, refusing sales of alcohol or cigarettes to legally underage persons, and refusing to sell alcohol to inebriated patrons.

7. No patron ingress or egress at rear of building shall be permitted.

8. No tables shall be placed outside the building, *without proper licensing and notification process*

IN WITNESS WHEREOF, the Parties place their hands, on the date written above.

APPLICANT

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L&T Fortune, by

PROTESTANTS

*Peter Schott*  
Peter Schott, President  
Kalorama Citizens Association

ATTACHMENT 1

AMBND BP  
**BUSINESS AND PREMISE**

Trade Name: Restaurant #1

1. Will you be the true and actual owner of the Business? Yes ☒ No ☐ If no, explain fully.  
\_\_\_\_\_
2. If leasing space, submit copies of the signed lease with all attachments. All lease documents must be signed by the property owner and contain specific authorization to sell and serve alcoholic beverages on the premises.
3. Submit a copy of the Certificate of Occupancy (CO). If the CO has not been issued, apply on 2nd floor for a Zoning Certificate, (614 H street, NW, (202) 727-7010), and submit letter requesting approval of license under Section 405.1 of the ABC Regulations.
4. All applicants for new and transfer (to new locations) licenses must submit two separate area delineations for each premise address. The first delineation should identify all street addresses within a 600 foot radius of the premise, and the second within a 400 foot radius. The Alcoholic Beverage Control Board recognizes the Sanborn Building and Property Atlas as the standard mapping tool of the District of Columbia. As such, this atlas will be used as the determining factor should your area delineation be challenged.
5. Will any other business be conducted on the premise? Yes ☐ No ☒ If yes, explain fully.  
\_\_\_\_\_
6. How many years has the former owner held an ABC license at this location? N/A  
Were there any:  
    ☐ Suspensions ☐ No ☐ Yes If yes, explain. \_\_\_\_\_  
    ☐ Fines ☐ No ☐ Yes If yes, explain. \_\_\_\_\_
7. Submit copies of Restaurant, Grocery Store, Delicatessen, Public Hall, Billiards or other business licenses. All class "C" & "D" establishments must have a restaurant license.
8. Do you now have or have you previously held a license for the sale of alcoholic beverages? ☐ Yes ☒ NO If yes, state when and where. \_\_\_\_\_
9. Will any portion of the premises be used for a dwelling or a lodging house? ☐ Yes ☒ No If yes, is there inside access to the living quarters from the licensed area? ☐ Yes ☐ No
10. Does any manufacturer, brewer, distiller, wholesaler, or solicitor of alcoholic beverages, or any employee thereof, or any other individual or corporation have any financial interest, directly, or indirectly, in this business or any other business holding a ABC license? ☐ Yes ☒ No If yes, explain fully. \_\_\_\_\_
11. What are the hours of operation? 11 AM-11 PM, Mon.-Wed.; 11 AM-4 AM Thurs., Fri. & Sat.; Noon to 4 AM Sunday.

App. No. 35515

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WHEREAS, Protestants having timely filed before the ABC Board a protest opposing the granting of the referenced application; and

WHEREAS, in recognition of the ABC Board's policy of encouraging parties to a protested proceeding to settle their differences by negotiating agreements, the parties hereto being desirous of entering into an agreement whereby, subject to the approval of the ABC Board, Applicant will agree to adopt certain measures to address the Protestants' concerns and Protestants will agree to the issuance of the ABC License, and withdrawal of the Protest;

NOW, THEREFORE, in consideration of the mutual covenants and undertakings memorialized herein, the parties hereby agree as follows:

1. Noise suppression: There shall be no live music performed in the establishment. Sound emanating from any part of the establishment shall not be audible in residential structures in the vicinity or on the sidewalks across the street from the Restaurant on 18th Street or Columbia Road. The Restaurant's operations shall at all times be in compliance with the D.C. Noise Control Act. Applicant will encourage employees and patrons to be considerate of neighboring residents at all times. Applicant will encourage employees and patrons, by posted sign or other printed notation, to be considerate of residents in the neighborhood after departing the building, by keeping conversations and other noises at a level that will not disturb the peace and tranquility of residents in the enjoyment of their homes or generate a noise complaint.

2. Applicant shall open its doors to receive patrons ~~Monday through Thursday~~ <sup>wednesday</sup> from no earlier than 11:00 a.m. until no later than 11:00 p.m.; ~~Friday and Saturday~~ <sup>Thursday through</sup> from no earlier than 11:00 a.m. until no later than 12:00 midnight, and Sunday from no earlier than 12:00 noon until no later than 11:00 p.m., and shall have its kitchen open during these hours. <sup>Alcohol beverages</sup> ~~are not to be carried out of establishment and shall only be available during hours expressed~~ <sup>by law.</sup>

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5. Applicant will maintain free of trash and litter the adjacent rear alley area, and public space and street to a minimum distance of 18" from curb, adjacent to the front of the building, in compliance with all applicable D.C. regulations in this respect, as often as needed (minimum of twice daily).

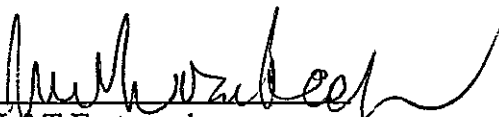
6. Applicant will comply in all respects with the requirements of its license or other requirements of law, including maintaining the appropriate ratio between food service and liquor sales, refusing sales of alcohol or cigarettes to legally underage persons, and refusing to sell alcohol to inebriated patrons.

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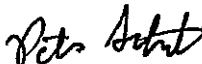
8. No tables shall be placed outside the building, *without proper licensing and notification process,*

IN WITNESS WHEREOF, the Parties place their hands, on the date written above.

APPLICANT

  
L&T Fortune, by

PROTESTANTS

  
Peter Schott, President  
Kalorama Citizens Association



**BEFORE  
THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE CONTROL BOARD**

\_\_\_\_\_  
In the Matter of: )

L & T Fortune Corporation )  
t/a Restaurant #1 )

Application for a Retailer's License )  
Class CR - new )  
at premises )

1801 Columbia Road, N.W. )  
Washington, D.C. )  
\_\_\_\_\_ )

App. No. 35515-98009P

**Peter Schott, President, on behalf of the Kalorama Citizens Association, Protestants**

**Dimitri P. Mallios, Esquire, on behalf of the Applicant**

**BEFORE: BARBARA L. SMITH, ESQUIRE, CHAIR;  
DENNIS BASS, MEMBER;  
ALLEN BEACH, MEMBER;  
MARY EVA CANDON, ESQUIRE, MEMBER;  
LAVERNE KING, MEMBER;  
EYDIE WHITTINGTON, MEMBER;  
DUANE WANG, MEMBER**

**ORDER ON A WITHDRAWN PROTEST**

The application, having been protested came before the Board for public hearing on March 4, 1998, in accordance with D.C. Code Section 25-115(c)(5)(1996 Supp.), providing for remonstrants to be heard. Peter Schott, President, on behalf of the Kalorama Citizens Association, filed a timely protest letter.

The official records of the Board reflect that the parties have now reached an Agreement which has been reduced to writing, and has been properly executed and filed with the Board. Pursuant to the Agreement dated March 11, 1998, the Protestant

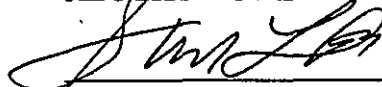
L & T Fortune Corporation  
t/a Restaurant #1  
Page two

has agreed to withdraw the opposition, provided, however the Board's approval of the pending application is conditioned.

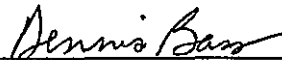
Accordingly, it is this 18<sup>th</sup> day of March 1998, **ORDERED** that:

1. The protest of Peter Schott, President, on behalf of the Kalorama Citizens Association, be, and the same hereby, is **WITHDRAWN**;
2. The above-referenced Agreement between the parties be, and the same hereby, is **INCORPORATED** as part of this Order;
3. The application of L & T Fortune Corporation t/a Restaurant #1 for a retailer's license class CR - new at premises 1801 Columbia Road, N.W., be, and the same hereby, is **GRANTED**; and,
4. Copies of this Order shall be sent to the Protestant, the Attorney for the Applicant, and the Applicant.

DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE CONTROL BOARD



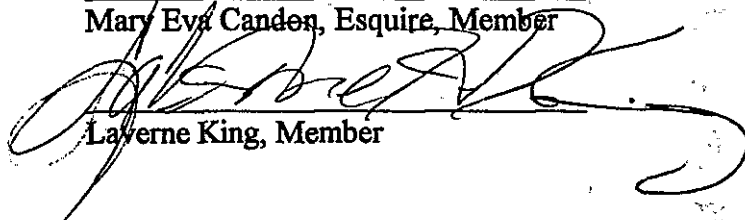
Barbara L. Smith, Esquire, Chair



Dennis Bass, Member

Allen Beach, Member

Mary Eva Canden, Esquire, Member



Laverne King, Member

Duane Wang, Member

Eydie Whittington